

REMARKS

Claims 1 to 15 are pending in the present application and have been examined on their merits.

Claims 1 to 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over d'Eon *et al.* (U.S. Pat. No. 6,006,197) in view of Koeppel *et al.* (U.S. Pat. No. 6,477,575) and further in view of Cannon (U.S. Pat. No. 6,286,055). Claims 1-15 are also rejected under 35 U.S.C. §112 for lack of support in the specification. These rejections are in error.

Declarations under 37 C.F.R. §1.131 Submitted with Applicant's Response After Final Office Action. In the Advisory Action mailed 02/01/2007, the Declarations swearing back of the Koeppel *et al.* patent filed after a final action were not entered because Applicant did not provide good and sufficient reasons why this evidence was not earlier present. Although the rejection under 35 USC 103(a) involving a combination of art involving the Koeppel *et al.* patent was presented in both the non-final and final office action, the Applicant's Attorney of record only became aware that the present invention was conceived before the Koeppel filing date (in a time period not greater than one year from the Koeppel filing) after the final office action. Upon learning of the earlier conception, this information was promptly presented and could not have been earlier presented as it was unavailable. Accordingly, in view of the filing of a RCE, it is requested that the Declarations be entered and considered along with Applicant's remarks related to the 35 U.S.C. §103(a) and 35 U.S.C. §112 rejections. .

The Rejection under 35 U.S.C. §103(a). Claims 1 to 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over d'Eon *et al.* (U.S. Pat. No. 6,006,197) in view of Koeppel *et al.* (U.S. Pat. No. 6,477,575) and further in view

of Cannon (U.S. Pat. No. 6,286,055). Declarations of record, now being properly considered, swear back of Koeppel *et al.* and remove the cited art combination. Accordingly, the rejection under 35 U.S.C. §103(a) as applied to pending claims should be reconsidered and withdrawn,

The Rejection under 35 U.S.C. §112. The Examiner noted in the Final office action mailed 10/24/2006 that the specification lists several marketing communications efforts, but does not disclose selecting two or more to process marketing communications activity. While the specification may not contain the exact words "...at least two...", the specification, (as earlier noted in Applicant's Response After Final Office Action) is replete with specific or clearly implied references to the integration of a plurality of marketing communications, not simply treatment of a single marketing function. This unified treatment of a plurality of marketing communications is a common theme and a core element of the claimed invention. The invention cannot reasonably be interpreted otherwise. The Applicant clearly states in the specification that "...an object of this invention is to provide a means for the integration of various marketing functions for businesses that will benefit from rapid application of marketing performance data (emphasis added; c.f., page 3, lines 1-3). The present invention presents a unified system for tracking, evaluating, constantly updating and reacting interactively on an ongoing basis to multiple media advertising types. By analogy, the present invention may be viewed as a system for interactively handling or integrating varied marketing communications, each of which may be described as an individual "silo", with a reporting interface of all the silos that may be described as a "dashboard" (c.f., original claim 7 "...integrates varied data sources and comprises a reporting interface..."). Data may be collected by any convenient means from any of the wide variety of marketing communications cited in the specification, processed, evaluated and reacted to (i.e., increased, decreased, maintained) on an ongoing basis relative to the expected contributions of the marketing communications to business objectives. The specification teaches identifying, collecting, processing, evaluating and reacting

concurrently and on an ongoing basis with any and all marketing activities with "varied data sources" (web traffic, store foot traffic, sales data, etc.) preferably presented in a single dashboard or "reporting interface" (c.f., claim 7). The Applicant provides real-time correlation of multi-channel marketing investments relative to identifiable business objectives. Multiple media types are tracked, measured, and reported in a single dashboard.

Art directed toward dynamic optimization of online messages and TV (individual silos) does not anticipate or make obvious Applicant's correlating or optimizing multi-channel marketing investments with business objectives preferably with a unified "dashboard" (reporting interface; collection of silos). When the present application was filed, these types of reporting and optimizing dashboards were not even considered possible.

The Applicant's continuously interactive rapid response marketing system and method for optimizing and unifying various marketing communications activities is novel and unobvious and claims are supported in the specification. Accordingly, the Applicant requests that the rejections under 35 U.S.C. §103(a) and §112 as applied to pending claims, be appropriately reconsidered and withdrawn. Reconsideration and allowance, being in order, are earnestly solicited.

DATE: 1 March 2007

Respectfully submitted,

By:



Thomas J. Monahan
Attorney for Applicant
Registration No. 29, 835
Monahan & Costello, LLC
4154 Madison Avenue
Trumbull, CT 06611
Tel: (203) 373-1919